



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-5100/4
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1997 SENATE BILL 527

March 24, 1998 - Introduced by Senators ROSENZWEIG, HUELSMAN, C. POTTER, ROESSLER, A. LASEE, PLACHE and PANZER, cosponsored by Representatives DOBYNS, BOCK, LADWIG, WILLIAMS, GUNDERSON, MUSSER, SERATTI, VRAKAS and PLALE. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to create** 100.209 of the statutes; **relating to:** the manufacture,
2 distribution and sale in this state of any mattress, upholstered spring,
3 comforter, pad, cushion or pillow designed and manufactured for the purpose
4 of sleeping or reclining and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the manufacture and sale in this state of any mattress, upholstered spring, comforter, pad, cushion or pillow designed and manufactured for the purpose of sleeping or reclining. Under the bill, these items must be labeled to include a description of the material used in their manufacture and the name and address of the manufacturer and the person selling, offering for sale or consigning for sale the items. If any of the material used in the items has not previously been used in any other such items, the phrase "manufactured of new material" shall appear on the label. If any of the material used in the items has previously been used in other such items, the phrase "manufactured of secondhand material" shall appear on the label. Under the bill, no person may manufacture, sell, offer for sale, consign for sale or possess with intent to sell, offer for sale or consign for sale any mattress, upholstered spring, comforter, pad, cushion or pillow designed and manufactured for the purpose of sleeping or reclining unless the items are appropriately labeled. Finally, the bill provides that no person may sell, offer for sale, consign for sale or possess with intent to sell, offer for sale or consign for sale any article of bedding if the article of bedding contains any material that has been used in any hospital or has been used by or about any person having an infectious or contagious disease.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 100.209 of the statutes is created to read:

2 **100.209 Labeling of bedding.** (1) In this section, “bedding” means any
3 mattress, upholstered spring, comforter, pad, cushion or pillow designed and
4 manufactured for the purpose of sleeping or reclining.

5 (2) (a) All bedding shall be labeled to include a description of the material that
6 is used in the manufacture of the bedding and the name and address of the
7 manufacturer of the bedding and the person selling, offering for sale or consigning
8 for sale the bedding. If any of the material used in the bedding has not previously
9 been used in any other bedding, the phrase “manufactured of new material” shall
10 appear on the label. If any of the material used in the bedding has previously been
11 used in other bedding, the phrase “manufactured of secondhand material” shall
12 appear on the label.

13 (b) For the purpose of labeling bedding under par. (a), the label shall be not less
14 than 3 inches by 4.5 inches in size and shall be sewed to the bedding and the print
15 appearing on the label shall be not less than one-eighth of an inch in height.

16 (3) No person may manufacture, distribute, sell, offer for sale, consign for sale
17 or possess with intent to distribute, sell, offer for sale or consign for sale any article
18 of bedding unless the bedding is labeled as provided in sub. (2).

19 (4) No person may sell, offer for sale, consign for sale or possess with intent to
20 sell, offer for sale or consign for sale any article of bedding if the article of bedding

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1 contains any material that has been used in any hospital or has been used by or about
2 any person having an infectious or contagious disease.

3 (5) No person, with intent to distribute, sell, offer for sale or consign for sale any
4 article of bedding, may represent that any article of bedding, which contains
5 material that has been previously used in other bedding, is manufactured of material
6 that has not been previously used in other bedding.

7 (6) (a) Any person suffering pecuniary loss because of a violation of sub. (3), (4)
8 or (5) may commence an action for the pecuniary loss and if the person prevails, the
9 person shall recover twice the amount of the pecuniary loss or \$200 for each violation,
10 whichever is greater, together with costs, including reasonable attorney fees.

11 (b) The department may commence an action in the name of the state to
12 restrain by temporary or permanent injunction a violation of sub. (3), (4) or (5).
13 Before entry of final judgment, the court may make any necessary orders to restore
14 to any person any pecuniary loss suffered by the person because of the violation.

15 (c) The department or any district attorney may commence an action in the
16 name of the state to recover a forfeiture to the state of not less than \$100 nor more
17 than \$10,000 for each violation of sub. (3), (4) or (5).

18 (d) A person who violates sub. (3), (4) or (5) may be fined not less than \$100 nor
19 more than \$1,000 or imprisoned for not more than one year or both. Each day of
20 violation constitutes a separate offense.

SECTION 2. Effective date.

21 (1) This act takes effect on January 1, 1999.

22
23 (END)